Ri

The intelligence received by

humbled by the events of the present war.

"I solemnly declare that I will not give up."

The first instalment of the Baltic fleet sailed from

Suicide.

the vicinity of Lihue, a few days ago. Mr. I. had

been missed for several days, and was finally dis-

ration of his time he came to Honolula, and while

here, he got into bad company and for the first

of about 28 years.

Humbolt trade.

by Mr. Quinlan, the owner.

ingly dull in consequence.

McFarlane, J. Bartlett, J. R. Pratt.

above committee who are absent from the kingdom .-

Articles from abroad, for the Fair, June 13, can be sent

Preaching in German.

three, the Rev. Mr. Krause will preach in the German

Probable Suicide.

past, and from certain indications it is feared be has

The mail for the United States by the bark

paid letters should be mailed on Monday:

Mr. Cenky, a German piano tuner who had been but

his way to England, via San Francisco.

Ships, Shipping, &c.

- The Honolulu Water Boat which sunk in 11

with us, during the fate reign.

him to up anchor and visit us in 1843, acting to-wards us in a way already adverted to, that has rendered his name immortal in these Islands; and and it was in Callao, where the gallant and energetic Commodore Stockton, was so fully informed of all our difficulties with George Brown, Esq., Commissioner of the United States, that shortly after his arrival, he took the diplomacy of the United States into his own hamls, and in one session of less than two hours, arranged with me all points of disagreement, so much to his satisfaction. that on the same day he caused his band to serenade all the King's ministers. This was an amicable and courteons settlement of an importance scarcely to be conceived by those, who do not remember that for upwards of a year previously a continued the government of the late-King in every way and to exclude his highest officers from decent society, on the ground, that having come under allegiance his column of comments, and less to the native King, and having abjured all allementity to judge between them. giance to their own countries, they were 'political renegades, unworthy of such society. It was under the authority of the Cabinet resolution of the 14th June, 1846 of which, I append copy marked No. 81, that I was enabled, with the ready aid of Commodore Stockton, so soon to explode that disgraceful combination. That happy result rendered In adverting to the successful negotiation with

Commodore Stockton, I must do justice to Thomas R. Eldridge, Esq., the late King's Charge d'Affairs, Commodore fully acquainted with the true merits of all the American grievances on these Islands, to ernment owes much to the zeal and influence of of society, and, in maintaining an equal position, able expense. Though representing only a small tend to diplomatic agents of the same rank of the

unless through misinformation as to his policy, or the acts of his administration. Having no represenrespondence on all-matters made subjects of diplomatic controversy. Hence the institution of the pend copy, marked No. 83.

Since that date, openness and publicity have been the rule of this government in all its foreign relations; it is the best preventative of private intriinto concessions that might embroil us with other nations who are equally our friends, and whose inwhich we have become known, as a regularly or-

its policy in general, I refer you to my despatch No. 17, of 13th February, 1849, to Monsieur Dilmy printed official correspondence with that gention of 1855, on the passage of a Prohibitory Li-

But in publishing my own correspondence, I Brown, Esq., of the 19th May, 1845, which though intoxicating drinks. complimentary to myself, was so abusive to others, 1651-Passed by the Legislature of Maine. that I suppressed it out of respect to the United States government, whom Mr. Brown represented, 185.—Passed by the Legislature of Minnesota. and for the sake of peace in this community. In repelling severe attacks, not upon myself, but

upon the officers of the late King, and especially the courts of justice, previous to 1849, I can show an immense file of desputches, which cost me great 1853-Its submission to the People p unounced unconstitutionpains and labor but which have never seen the light. We have long since, very happily swum into smooth water such charges have ceased to become matter of diplomatic annoyance to me, the sovereign of the land is treated by all foreign representatives, 1851-Vetood by Governor Seymour of New York.

- consuls and other officers, with all respect due 1851-Passed by one branch of the Legislature of New Jersey. to the King's rank, and we, the officers of his appointment enjoy so much of the respect and consideration accorded to those who hold similar po- 1851-Voted for by the Peple of Wisconsin. sitions, under more powerful governments, that we 1854—Pron unced unconstitutional in Ohio. are perhaps, apt to presume too much upon our own deservings, and forget that that consideration, is because we represent, officially, the sovereignthat the halo of independent sovereignty achieved by the late King, as I have above explained overspreads us all; and that if that sovereignty should 1855—Passed for the second time by the Legislature of New be overthrown, the best of us will enjoy only the respect which may be due to the fidelity with which we may have served our master, to our private talente, and our moral worth.

The power of a King's minister is a delegated trust for the honor of the sovereign, and for the public good; and it ought never be exercised for any other objects. A becoming humility of deportment, and all the courtesy towards others, of the most refined civilization, are not incompatible rights; on the contrary, such qualities in his ministers will best recommend those rights in regard of stance re-enacted in a modified form. all enlightened foreign nations.

Much that I have said above of Mr. Eldridge, applies to Mr. Byerback, appointed by the late King, as His Mujesty's Consul General for Chile. ing no salary whatever. He has transmitted to me the most valuable and minute information upon all matters that he considers likely to be of use to York to San Francisco in eight or ten days. this young nation; keeping me well informed of the Vera Cruz is three days sail from New Orleans, chips of war, and upon all points of foreign policy, and Manzanillo five days from San Francisco, and that bear, however remotely, upon this kingdom.

matter with great zeal, established extensive the fullest extent.

are those which established regular relations channels of information, and made most valuable reports, which however, are too volutai-During our trouble from 1812 to 1848, it nous to submit to you for the present occa- April 13th by telegraph from New York, and to was of great importance to us that the causes sion. But I cannot omit calling your atten- March 31st from Liverpool. and circumstances of questions agitated here, tion to the valuable suggestions, in regard to Peru, because it was from these ports that sue towards the natives of those widely scatthe naval officers came either to chastise us tered Islands, made by him, on the 31st July or to vindicate us, and whether they did the last, to his Excellency Sir Charles Augustus Squadron had been augmented, and orders had gone ject of amending the 27th, 39th and 43d articles of the It was in Vaiparaiso that the brave and good old lency. Of those suggestions I append copy, cise the right of search of an American vessel in kis, was taken up and postponed for the present. Admiral Thomas, got such intelligence, as induced marked No. 84. You will find it well worthy the high seas. [To be continued.]

## THE POLYNESIAN

SATURDAY, JUNE 2, 1855.

Acknowledgment.

We have to thank the editor of the Argus for quoting so much of our views on a certain subject as appeared in his issue of the 24th ult. So much good sober sense has not appeared in that little effort had been made to embarrass and discredit hebdomadal for many a day, and we are quite willing to allow our text to stand side by side with his column of comments, and leave a sensible com-

The fact is, our censor is behind the times. He is altogether an "old fogy" in his views of legislation on the subject of the liquor traffic. The principle of prohibition is making rapid progress in on the national honor." the most enlightened and most Christian nations of ! it emecessary for the late King to protect himself the age; and as the Hawaiian nation has taken the Spithead March 20th, under command of Captain by the full exercise of his prerogative, as it was lead in political progress, as is acknowleded on all Watson, consisting of seven vessels, of 211 guns. by the full exercise of his prerogative, as it was his intention to do, when things came to an extremination I hands, we have not a shadow of doubt that the Thousands of spectators witnessed their departure stead of 20, as passed originally by this house.

The act establishing the bank of Page, Bacon & Co. annex copy, marked No. 82, of the power which youthful and highly intelligent and worthy sover- for Kiel. his Majesty was pleased to confer upon me, to eign of this kingdom will desire to add this crownwithdraw Exequaturs, on the 12th of May, 1846. ing excellence to his reign, and thus secure to himself the "blessing of many ready to perish."

We claim no right to "fix a prohibitory characat Lima, for his great care to make the talented ter on the present administration," nor to speak the views of the cabinet at all, except so far as they which personal feeling and spite had imparted a may be expressed in the "official" acts published character of so much aggravation. And I may under the head "By Authority." Our editorial here remark, that in more recent troubles, this gov-Mr. Eldridge, exerted in favor of the late King even are our own, and they neither bind others, nor can at distant courts. These unpaid services, ought to they. But we hope the "present administration" be gratefully acknowledged some day or other.— will not repudiate the imputation of being "prohib-Mr. Eldridge is a man of the world; he is a man itory" of every thing evil, injurious and destruc- he did not know in the morning how he got home. in honor of the Hawaiian sovereign, with other di- tive, now existing, or which may be attempted to He also received while at Honolulu, a letter from plomatic agents, of other sovereigns, who receive be thrust upon us as a nation. We are sure they his wife in the States, which upbraided him for his high salaries, he subjects himself to very consider-will not. The responsibility of injurious legislation long continued absence of 3 or 4 years, and which kingdom and serving without salary, he has ever is too tremendous to be lightly assumed. And from seemed to produce a powerful effect upon his milid. received from the government of Peru, the same the fact that this kingdom presents "one of the After staying a short time at Honolulu, he returnrights, privileges and considerations that they ex- greatest political marvels of the age in which we ed to Kauhi, to settle some business affairs; after live," it would be presumptuous to suppose that a few days, he one morning took a gun and pistol I mention it to the honor of the sagacity of the the principles and practice which have been employ- and started out, as he said, on a gunning expedilate King that he never attributed the hostility to ed to produce this "marvel," can safely be abantion, from which he never returned. His remains him of foreign individuals to the great and enlight-ened governments of which they were agents, or the latter would injure him, or treat him harshly, past legislation in this kiagdom unwise or illiberal. probably to attract attention, and deliberately blew ed and the act passed a final reading. No such acknowleged results could have followed his brains out with the pistol, which was found tatives permanently residing at foreign Courts, nor legislation of this character. And to speak of pro- still grasped in his hand. revenues to pay them, it was his view that his on- gress under such a state of facts, is equivalent to an ly safety lay in giving publicity to the official cor- acknowledgement of retrograding rather than of adson Jarves, Esq., during our year of greatest verting sound principles, and introducing those would not fail. In regard to his wife he wrote, trouble; and hence the late King's own order to of a doubtful character, is no "progress" at all; at that as they had been separated in life, so they to the day of his lamented death.) of which, I ap- least not in the right direction. Of such legisla- would be in death. tion we should beware, lest it lead to anarchy and

That our friend of the Argus may be enlightened, gues, or artful negotiations, of the diplomatic we subjoin the following history of prohibitory legagent of any foreign nation that would entrap us islation as found in a late New York Herald. By this he will see that the people have determined to terest we are bound equally to regard; it is the protect themselves; and the general, if not univer- Francisco, as in leaky condition, -having tried sevreadiest appeal that we can make to the moral sal adoption of this principle, may safely be pre- eral days to beat up to Honolulu without success. opinion of the world, and it is the medium through dicted as at no great distance in the future. The She had a large number of passengers, some ten or ganized constitutional monarchy to those far dis-

Progress of the Prohibitory Liquor Law. Among other acts passed by the legislature and ap- must ensue, as all on board were much exhausted its second reading. The rules were suspended, and the proved by the Governor, on Friday last, was an act by pumping. The U. S. S. Decatur sailed on the lon, which you will find published, at page 275 of to take the sense of the people at the general elecquor Law. It is said that upwards of twenty thousand signatures were attached to the petitions prehave done it fully; I have never kept back, except sented to the late legislature, praying them to pass in one instance, any despatch of my antagonist such a law. The New York Herald gives the folnecessary to be read in connexion with my own lowing interesting sketch of the rise and progress views; and that exception was the despatch of Geo. of laws in various States, prohibiting the sale of no mail, but papers from S. F. to the 20th May,-8 days later than former advices.

1852-Passed by the Legislature of Massichusetts.

1852—Ratified by the People of Minnesota.

1852—Passed by the Legislature of Vermont.

1853—Passed by the Legislature of Michigan.

1853—Ratified by the People of Vermont.

1853—Ratified by the People of Michigan.

al by the Supreme Court in Minhesota

al by the Supreme Court in Minnesota.

1853—Pronounced unconstitutional by the United States Supreme [2] Court in Rhede Island.

1853—Supreme Court equally divided in Michigan.

1854—Pronounced afternativational in Massic husetts.

854-Passed by the Legislation of New York.

1854-Passed by the Legislature, but the two branches failed to

1854-Passed by the Legislature of Connecticut.

1855—Passed the Lower Branch of the New Jersey Egisla-tare—defeated by one vote of the Senate. 1855-Passed by the Legislature of Wisconsin and verbed. grass, T. Spencer, M. C. Monsarrat, W. F. Allen, H. a select committee to revise.

Middled and passed, and again vetoed by Governor

York, and became a law of the State by the signature of overnor Clark.

nor, at last accounts, to become a law. Nine States and one Territory have thus passed prohibitory laws. The question has failed in four States through Legislative disagreement. It has retary, but take their articles direct to the fair on Wedbeen submitted to the people and sustained by them in four other States. It has nowhere been repealmost refined civilization, are not incompatible ed by Legislative action, though it has been four with the most tenacious regard to all the King's times set aside by the Judiciary, and in one in-

> Eight days from New York to San Francisco. The S. F. Herald of May 10th, contains an ac-

count of an enterprise, now nearly completed, to He too discharges his duties, with great zeal, admi- connect Vera Cruz on the Gulf of Mexico, with the rable system, and immense labor, although receivport of Manzanillo on the Pacific, by telegraph, language. Mr. K. has been a missionary in the South services rendered during small pox times. After a

The late King ever anxious to promote the is to be the intermediate depot of the Nicaragua interests of his own native subjects, was not indifferent to the improvement of others of the completed between Vera Cruz past, and from certain indications it is feared be has indifferent to the improvement of others of through the city of Mexico to Leon, and Col. Stewthe same or of a similar race, inhabiting ard, who is the proprietor of the line; is now at other Islands or groups of Islands in this work extending the line of telegraph from Leon to ocean. The first step, in his mind, was to Manzanillo, a distance of not exceeding 180 miles. produce death. No traces of him have yet been discovobtain some information that could be relied It will be completed in a few months, and then ered. upon as to the condition of those isolated there will be instant communication between Vera tribes; with this view, he confided a commission having a wide range, to Charles St. Julian East of Sydney who has taken up the lian, Esq., of Sydney, who has taken up the of which, we at these islands will participate to TUESDAY, June oth. European and American pre-

HAWAHAN LEGISLA RE. MERMAID, is to

House of Nobles, Friday, May 25.

Mr. Kapeau, from the committee on the subject of prorogation, reported that the house will be ready to be The principal topic in the United States was that vessels at sea by Spanish men-of-war. The Gulf ed Mr. Allen, from the committee, reported on the sub-

one or the other, depended much upon the preposessions that they brought with them.

It was in Valuaraise that the brave and good old laner.

Of those suggestions I append conv.

The house went into committee on the tax collectors act, when sections 8th to 16th inclusive were passed, The European niews shows but little change in and the committee rose and reported. The caption of the affairs of the Crimes, and not much progress the bill was amended by the house, when the act was read a third time and passed.

in the Vienna Conference. Nothing decisive had been agreed upon, whilst serious difficulties had of constables in attendance on courts of record. Ad-

arisen with regard to the third point of the guar-Saturday, May 26. antee, and M. Drouyn de L'Huys, as an ambassa- Mr. Wyllie presented copies of his report in Hawa-

dor from the Conference, had visited London, and Kekaulahao introduced the act of which he had given would soon return to Vienna, bearing the irrevo-cable determination of the Allies on the third point. upon courts of record, which was read the first time.— The rules were suspended the act was read a second time The intelligence from Russia is not favorable to and on a motion to indefinitely postpone, was witha peace. The Emperor Alexander used the follow- drawn without a vote.

The act regulating royal patents granted to konobiing language, in reply to a deputation," which kis, was read the second time, and referred to a select breathes the inflexible spirit of Russia, as yet un- committee consisting of Messrs. Kekaulahao, Namakeha and Nahaolelua.

'Mr. Armstrong' introduced an act to provide for the translation and interpretation of state documents, which single inch of Russian territory to our enemies. I was read the first time. The rules were suspended, and shall take good care to prevent their penetrating on its second reading the act was referred to a select further on the soil of our country; and never, never committee, Kekuanaoa, Keoni Ana and Haalelea.

-may my hand wither first-will I affix my signa- A communication was received from the other house, ture to a treaty which shall bring the slightest stain transmitting an act to establish the bank of Page, Bacon & Co., also the act fixing the age of majority, with and amendment; and stating that the house had approved the amendments of the Nobles, of the act relaing to the tax collectors.

The house approved the amendment of the house of

Late advices from Kauai inform us of the lamen-Kamehameha and Kekuanaoa. Mr. Armstrong introduced an act for the promotion table death, by suicide, of Mr. J. R. Ingersoll, in of agriculture and other branches of industry, which

was read the first time. Adjourned.

. Monday, May 21. Mr. Allen, from the joint committee on the subject of a native newspaper, made a report, which was accepted. covered, after much search, by a native, just as he had Itin for a week after committing the fatal act. Mr. Wyllie from the committee, reported on the sub-Mr. I. had been employed for a year previous to ject of establishing the bank of Page, Bacon & Co. making amendments to the acts as passed by the other April 1st, on the Lihue Plantation. On the expihouse. Report accepted.

Kekaulahao, from the committee, reported a new bill on granting royal patents to konohikis, which was read the first time, and made the order of the day for time in his life, as he affirmed, got DRUNK, so that | Wednesday.

Kapeau from the committee on granting to circuit judges the power to try foreign cases, made a report which was accepted.

The amendments proposed by the select committee to the constitution, were read the second fime, and passed. The rules were suspended, and the proposed amendments read the third time and passed, Haalelea only dissenting.

The house went into committee on the act establishing the bank of Page, Bacon & Co., and the amendments again to-morrow, and the house adjourned. proposed by the select committee were read. Pending their discussion, the committee rose and the house ad-

simply citizens or subjects. He never believed that It would be a gross slander upon history to call the his coat and vest, hung the latter in a tree near, and through its second reading. The relation of the latter in a tree near, and through its second reading. ed through its second reading. The rules were suspend-

> of foreign seamen, which was read a first and second pelled to make a full discovery touching all matters contimes, and referred to a select committee consisting of nected with the partnership in business which existed be A note found on his person stated that he had Messrs, Armstrong, Kekuanaoa and Nahaolelua.

The act in relation to making Hilo and certain other ports, ports of entry was read first time. The bill was vancing. "Progress" in overturning what has been before, but that having failed, he was now about to discussed on its second reading and passed. The rules bursed by the said Ogden on account of said partners hip. government press, so ably directed by James Jack- found wise, good and salutary; "progress" in sub- adopt a more sure mode of self-destruction, which were again suspended, the act was read a third time and passed. Adjourned.

> the manufacture of indigo. The könohiki act was taken up in committee, and re-Mr. I. was from Orangeville, Wyoming County, ferred to Prince Kamehameha to draft a new bill. New York, and fills an unhonored grave at the age A message from the other house was received, trans

mitting a joint 'resolution' for the relief of Dr. Judd, prema Court, and the Subpæna is made returnable before which was read the first time. On its second reading, George M. Kobertson, Associate Justice. It is urged that the resolution was taken up in committee of the whole, Chief Justice Lee having left the kingdom previous to The Schooner Excet from Kauai, reports the bark | when it was resolved, that Dr. Judd and Messrs. Spen- the filing of the petition, it ought; to have been addressed New Worth, 104 days from Sydney, bound for San cer and Jarrett be requested to attend to-morrow. Ad-Thursday, May 31.

resolution for the relief of Dr. Judd.

sovereign right, which every one of our foreign treaties distinctly implies, and virtually guarantees.

In regard to the diplomatic rule of publicity and

In regard to the diplomatic rule of publicity and solve cause of misery and wretchedness without a cel. Sinc was leaking too badly to proceed to S. F., tions accordingly. Messrs. Spencer and Jarrett were also called upon to explain, which they did.

On motion of Mr. Wyllie the joint resolution passed.

joint resolution passed its third reading, when, after a ession of four hours, the house adjourned.

> House of Representatives. Friday, May 25.

- On the 29th ult. the clipper bark MERMAID, The speaker read a memorial from Dr. G. P. Judd, asking to be relieved from responsibility for the sum of circumstances. Barbour's Chan Practice, page 50. Capt. Smith, arrived from San Francisco in 19 days, \$2,930 44, deficiency in his accounts while Minister of and sailed same day for Hongkong. She brought Finance. Ordered for to-day.

The bill to amend the law of appeals was ordered for Wednesday. Mr. Austin from select committee reported that the - The steamer SEA BIRD is now employed in the

House to adjourn on the 2d of June. ORDERS OF THE DAY.

The banking charter of Page, Bacon & Co. passed a fathoms water a few days ago, has been recovered final reading. The bill (Nobles) fixing the age at which children ar-

On the 24th of May the last whaleship left Lafemales at 18, and that of males at 20 years, passed, haina, and our correspondent says it was exceed- and ordered to be engrossed.

There have been at that port this season, 71 in which Messrs. Maikai, Richardson, Thurston and proposition that the principle of the just accrescends must whalers, I merchant ship and 2 merchant schoon- Kamakau argued in favor of granting the prayer of the be recognized between co-partners in business in this petition, and Messrs. Robertson, Fuller, Ii. Robinson kingdom, has received a thorough examination at our ers. For the next four months but little improveand Kalama against, and on motion of Mr. D. Kaauwai, | nands. 'the subject was referred to a select committee.

The legal age bill passed a final reading. Committee to receive and arrange articles for the The bill to provide for the shipment of native seamen FAIR or 1855 .- J. H. Brown, H Rhodes, W. K. Snod- come up in committee of the whole and was referred to

The bill to regulate appeals from decisions of We have ommitted the names of three members of the commission was ordered for Tuesday.

RESOLUTIONS. By Mr. Whitney, recommending to His Majesty the appointment of His Royal Highness L. Kamehameha to in to the chairman, Mr. J. H. Brown or to any other be Minister of War. After a short discussion laid on member of the committee, who will take charge of them the table. The bill regulating "Courts Martial and Civil" was

Persons designing to exhibit, need not report to the Secreferred to the committee on the Judiciary. ORDER OF THE DAY. The house went into committee on the appropriation nesday morning as early as hine o'clock, except flowers. bill. The subject of the appropriation for the military

which will be received until 10. Horses and all other was debated at length, and the amount finally fixed at animals should be brought as early as half past ten .-\$40,000 by a vote of 14 to 12. For list of premiums, see Transactions, pages 162-The Nobles informed by message that they had concurred in the bill to fix legal age. Adjourned.

A number of petitions on various unimportant sub-At the Bethel, on Sabbath afternoon, at half past jects were presented and disposed of, also petitions. From Drs. Ford, Hardy, Hillebrand, Hoffmann Pacific for the past ten or fifteen years, under the direction of the past ten or fifteen years, under the past ten or fifteen years, and the past ten or respecting certain lands of his, which, through a fault of his guardian, have not Manning & Granger, 665. . been entered in the books of the land commis-From Waimea, Kauai, for a property tax.

> REPORTS OF COMMITTEES. The committee on the petition of Dr. Judd recommend ed that the Doctor be allowed to appear before the house and make his own statement. Adopted and made the order for to-morrow.

> ORDER OF THE DAY. The appropriation bill (the unfinished business) came up in committee of the whole. Pending discussion of the department of law, the committee rose, and the house adjourned.

Tuesday, May 29.

'FRANCES PALMER" will close at 8 o'clock A. M. on REPORTS OF COMMITTEES. The committee on commerce reported in favor of taling the bill respecting pilots. Agreed to.

RESOLUTIONS. On motion of Mr. Thurston, the house reconsidered the vote of yesterday postponing indefinitely the petiwas referred to the committee which had previously considered Dr. Lathrop's claim.

ORDER OF THE DAY. The subject of the claim against Dr. Judd was taken up in committee of the whole. The doctor being present, made his statement before the house, and, after a lengthy debate, a joint resolution was passed to be engrossed releasing the doctor from all responsibility in feetly conclusive on this point, and although we might the matter of \$2,930 44, by a vote of 21 to 3 ...

The new land commission bill was taken up in com-"Partners, are joint tenants of their stock in trade, by mittee of the whole, and ordered for Thursday. The stallion bill was ordered for to-morrow.

The joint resolution for the relief of Dr. Judd passed The bill to regulate the Queen's right in the nalulu property, was ordered for to-morrow.

The bill to amend the election law was ordered The claim of W. R. Cuthbert was taken up and discussed for about one hour, and indefinitely postponed.

Wednesday, May 80. REPORTS OF COMMITTEES. The militia bill (from the committee) was made a spe

ial order for to-morrow. The subject of the claim against the estate of His late Majesty was made a special order for to-day. A communication from Dr. Frick on the subject of indigo, and submitting some of his own manufacture, was right of survivorship ordinarily exists, adds; 'An exception

By Mr. Whitney, a joint resolution to authorise the purchase of the MS. history of the Hawaiian Islands by the late David Malo. Second reading to-morrow. On motion of Mr. Kamaksu, the appropriation bill was made the special order for to-morrow.

ORDERS OF THE DAY. The bill to regulate appeals from decisions of land commission passed a final reading.

The stallion bill was recommitted for amendment The water lot bill (Waikahalulu) came up in commit-

for a third reading. The subject of the government claim against His late was taken up and on its second reading, referred to a select committee of the whole, referred to a select committee with instructions to report a bill releasing of Messrs. Wyllie, Allen, ing the estate from payment of principal and information of the law merchant, although it has never been exing the estate from payment of principal and interest.

The bill regulating the payment of police was, on its the Legislature.

The defendant demurs further, and says if he, as the survice of the defendant demurs further, and says if he, as the survice of the defendant demurs further.

> The bill to transfer the bureau of public works to the Department of War, came up in committee of the whole, and after discussion was passed. Adjourned.

Thursday, May 31. REPORTS OF COMMITTEES. on recommendation of the committee on the judiciary,

laid on the table, 14 to 10. in favor of presenting the thanks of the house to Dr. Frick, for his exertions in manufacturing indigo, but stating that it was not expedient to grant government money for private enterprises.

On motion of Mr. Kaumaea, the house reconsidered the bill to remove the Department of Public Works, and indefinitely postponed the same.

SUPREME COURT-In Equity. Robert Clouston, Administrator of the estate of F. J. Porter, deceased, vs. Frederic Ogden.

Judge Robertson, acting as Chancellor, in delivering his opinion, said; This is a patition filed by Robert Clous-ton, Administrator on the Estate of Frederick J. Porter. deceased, praying that the defendant, who is the surviving Mr. Allen introduced an act to regulate the shipping partner of the firm of Porter and Ogders, may be comtween him and the said Frederic J. Porter; that the said Ogden may be ordered to render a full account of the us sets and liabilities of said firm at the time of the death of subsequently to its dissolution, that a Receiver may be appointed by the Court, to settle up the affairs and take Wednesday, May 30.

A petition was read from Mr. Frick, on the subject of the manufacture of indigo.

Wednesday, May 30.

Charge of the books, credits and effects of the late firm, and that the defendant may be enjoined to abstain from all further interference in the matters of the late co-part-

To this petition the defendant demurs on several grounds, the first of which is, that the petition is addressed to the Hon. William L. Lee, Chief Justice of the Su-

Messrs. Judd, Spencer and Jarrett in attendance, of little weight. It is true the Subpana ought to have This is a mere technical objection, and is in our opinion the house took up the further consideration of the joint been made returnable before George M. Robertson, acting as Chief Justice, and not as Associate Justice, merely ganized constitutional monarchy to those far distant sovereigns, who have thought us worthy of treaty relations with them, and of the equality of cause of misery and wretchedness without a large cause of misery and wretchedness without a large content of the first of the pay \$2,930 41, said to have been deficient in the treaty and solvent and solvent on Sunday last in the Ex. and arrived at this port on Sunday last in the Ex. and and arrived at this port on Sunday last in the Ex. and the pay solvent a tioning his name, that would have been correct according to our statute, and we think there can be no doubt that process might have been issued returnable before any one who happened, for the time being, to be charged with the duties of that office. We look upon the petition as ad-dressed to the Court, or the officer, and not to the indi-vidual. In the Court of Chancery of the State of New York, all petitions were addressed to the Chancellor, but subpænas might be made returnable either before the Chancellor, or one of the Vice Chancellors, according to

The defendant's next ground of demurrer is, that he as aury; ing partner of the late fign of Porter and Orden, is entitled to the absolute ownership and property of in and to the whole of the partnership effects or, in other words, that the common law rule of survivorship, or just accrescendi which existed between joint tenants, applies to Nobles had concurred in the recommendation of this partners in business, in this kingdom, in the absence of any Statute law to the contrary. If we have not misun-der tood the argument of the learned counsel on this point, he admits that by the law merchant no right of survivorship is allowed as between partners, but he contends that the Courts of this kingdom must be governed by the rules of the common law, until the Hawaiian Legislature rive at majority at 20 years, was taken up in committee shall have prescribed a paramount rule by express enact-of the whole, was amended so as to fix the legal age of ment. He contends that the Law Merchant is a system of jurisprudence in itself distinct, and separate from the

common law. The position thus assumed by the counsel for the de-The memorial of Dr. Judd came up in committee of fendant, and which he argued with great ability, is one the whole. A rather long and animated debate ensued, calling for our carnest consideration, and the startling The argument for this position, it seems to us, hinges

mainly upon one point, resolving itself into this question, Is the law Merchant a part of the common law, or is it not? After a careful review of the authorities on this point, we feel satisfied beyond the shadow of a doubt, that the law Merchant is a branch, or component part, of the lex non Scripta, or common law. In support of our opin; on on this point, we recur to the familiar division of the laws of England, by Sir William Blackstone; into the lex non Scripta, the unwritten or common law, and the lex scripta, the written or statute law. Speaking of the former, he says: "The lex non Scripta or unwritten law, includes not only general customs, or the common law, properly so called, but also the particular customs of certain parts of the kingdom; and likewise those particular laws that are, by custom, observed only in certain courts and jurisdictions." In speaking of the second of the several branches of the unwritten laws of England, namely, particular customs, incontradistinctionto the first branch 3-2t or general customs, the common law, properly so called, he says; "To this head may most properly be referred a particular system of customs used only among one set of the King's subjects, called the custom of merchants. or lex Mercatoria, which, however different from the general rules of the common law, is yet engrafted into it, and made a part of it; being allowed for the hepefit of trade, to be of the utmost validity in all commercial transactions." Black, Com. Introduction, Sec. 3.

We may also cite the following: "The law merchant is a branch of the law of England and those customs which have been universally and no-toriously pretalent amongst merchants, and found to be of public use, have 'een adopted as part of it, for the benefit of trade and commerce, and are binding on all without of." Per Lord Denman, in Barnett vs. Broadao, 6

"The custom of merchants is part of the common law of this kingdom of which the judges ought to take notice." Per Hobart C. J. 1 Winch.

"And Pawell, Justice, said, that the court would take notice of the lex Mercatoria, as that there is no survivor.

Swiss muslin, hoisery, etc.

CLOTHING.—Superior black and fancy cassimere pants, black of the lex mens, white duck pants, black inches.

ship, or of a general custom, as gavel kind. Bellasis vs. Hester. 1, Lord Raymond's R., p. 281 We might quote numerous other authorities to prov that what is denominated in the English language, the law merchant, is not properly speaking a distinct system or code, to be administered as a separate jurisdiction by itself, but consists of a body of well known and universally acknowledged customs and usages among merchants, which have gradually been developed and extended from the most ancient times, and which have, from time to

Com., p. 522. 3 Kent's Com., p. 2. Warren's Law Studies, p. 252. Collyer on Part, p. 2. Sec. 2.

The authorities cited by the counsel for the defendant in support of this part of his demarrer, go no further than to prove that the distinguishing incident of an estate in jointenancy, at the common law, was the jus accretoed but he has cited none to shew that this right has been to. cognized as existing between Merchant partners, at least for several hundred years past; and indeed the authorities hoth ancient and modern, which expressly declare the contrary, are overwhelming. Many of these were referred to by the learned counsel for the plaintiff, in the course of his argument against defendant's demurrer, and are per superadd many others of the same tenor, we will come

without the jus accrescendi, or right of survivorship; and this, according to Lord Coke, was part of the law metchant, for the advancement and continuance of commence and trade. It would seem however, to have been a point of some doubt as late as the middle of the seventeen century, whether the doctrine of survivorship did not an for ply, for the Lord Keeper (Harcourt) in Jeffreys vs. Small observed, that it was common, at that time, for traders, in articles of co-partnership, to provide against survivorable though he declared that the provision was wholly in though he declared that the provision was wholly unnecessary." 3 Kent's Com. p. 36.

The learned Justice Story, ofter pointing out some impogtant particulars wherein partnership differs from jointenancy, goes on to say, "In the next place, there is no
survivorship in cases of partnership, as there is no jointenancy. This has been the doctrine of the common law

for more than three centuries, and indeed is probably coeval with the Eusiness of joint trade and commerce in England. Thus, Lord Coke in speaking of joint tenancy in chattels and debts, contracts and duties, where the referred to the committee on agriculture and commerce. s to be made of two joint merchants, for the wares, merchandizes, debts or duties, that they have as joint mer-chants, or partners, shall not survive, but shall go to the executors of him that deceaseth, and this is per legen mecatorium, which (as hath been said) is part of the laws of this realm for the advancement and continuance of commerce and trade, which is pro bone publico: for the rule is that Jus accre seendi inter mercatores pro beneficio commercii locum non habet."
We fe el that our view of this subject is most fully sustained by the highest authority, and we are therefore spared the ne cessity of refusing to adopt so harsh and inequitable a doctrine as that contended for by the learned council for the defendant Were it otherwise, and did it appear to the satisfaction of the court, that the right of survivorship did exist between partners, at the common law, we would by no means admit that this court is bound to be governed by such doctrine, but would, tee of the whole, and after being amended so as to au-thorise the sale of said lots, was ordered to be engrossed rule, as out of place in this enlightened age, as unjust in the extreme, and calculated to work out the destruction of all com-mercial enterprise. We feel that we are sustained in this view of the case by the uniform practice of this court hitherto

> ing partner is not entitled to the absolute ownership of the partnership property, by virtue of the jus accrescend, he is at all events entitled to the exclusive control of all such property,

including books, until the business and accounts of the partnership are finally settled and closed.

That this is sound legal doctrine, cannot be gainsaid, but it
is equally true that the rule is subject to a just limitation, for,
as was remarked by the counsel for the plaintiff, the defendant is not entitled to such absolute control, ad infaithm. It is
the duty of the approver to use all discovers in addition. The bill relating to courts martial and civil, was, a recommendation of the committee on the judiciary, aid on the table, 14 to 10.

The committee on agriculture and commerce reported in favor of presenting the thanks of the house to Dr.

must exercise his functions as such, with due diligence in adjusting and the duty of the survivor to use all diligence in adjusting and the duty of the survivor to use a good faith; and if he comes short of his duty, making unneces sury delay, or committing any misconduct in reference to the winding up of the parenership affairs, or the disposition of the joint property for the common benefit, we think the representatives of the deceased partner have, clearly, a right to invoke the aid of a Court of Equity to compel a performance of his duty on the part of the surviver, by ordering him to make a full discovery of the partnership transactions, and to render as ORDERS OF THE DAY.

The appropriation bill (special order) was taken up in committee of the whole. Without finishing the Department of Public Works, the committee rose, to sit again to-morrow, and the house adjustment.

It is unnecessary for the court, at this time, to proceed to the consideration of the remaining points of the defendent's de-murrer, as the plaintiff only asks, at present, that the court will grant an order requiring the defendant to make discovery and render an account. We are of opinion that the defendant's demurrer, as to the several grounds we have touched up on, cannot be arstained, and it is therefore overruled.

John Montgomery Esq., for Complainant.

J. D. Blair Esq. for Defendant.

Honolulu May 25, 1855.

Appointment.

BE IT KNOWN that I, ASHER B. BATES, as Register of Conveyances of the Hawaijan Islands by virtue the power vested in me as Register by the statues of this kingdom, hereby appoint RICHARD S. HOLLISTER Esquire of Kauai, as agent to take acknowledgment of Deeds, conveyances and other instruments to be forwarded to my office for registry.

Office of the Register of conveyances at ) Honolulu, this 19th day of April 1855. ASHER B. BATES. Register of Conveyances.

As Governor of Kauai, I approve of the above ap-P. KANOA, Kiaaina. pointment. Honolulu, 19 day of April, 1855.

DIED.

In Nantucket, Mass., March 19th, Valentine Hussey Esq., aged 71 years, for the last eight years Secretary of the Commercial Insurance Office, and father of Mr. C. F. Hussey of this

## MARINE JOURNAL:

PORT OF HONOLULU. Arrived. May 25 .- Tabitian Schr. Ravi, Christian. from Tabit.

25. - Am. Bk. Mermaid, Smith, 19 ds fm. S. F. Cleared. May 26 - Schr. E. L. Frost, South-Pacific H. B. M. S. Morarch, Paty, North. 28.—Am. Bk. Mermaid, Smith, Hong Kong. Haw: Schr. Keom Ann, Taher. Marquesus 31.—Ship Drome, Middleton, New Bedford.

> PORT OF LAHAINA Cleared.

-Ship Mary, Sayer, coast of California. Bark Belle, Borden, do.

## AUCTION SALES

POR SALE, AT AUCTION, on the premises, June 27, SIX MONTH'S LEASE of Store on Queen street, at present occupied by R. Love.

By M. C. MONSARRAT, Auctioneer. HOUSE LOTS AT AUCTION. PHERE will be sold at Public Auction, on the I premises, on THURSDAY, the 14th June next. at 4 1-2 o'clock, P. M.,

20 DESIRABLE HOUSE LOTS, Situated on "Victoria," "Mountain" and "Lee" sts. about one mile from town, being one of the most agreeable locations for a residence in this vicinity. Terms will be made known at the time of sale. Plans of the above estate can be seen at the office

of the Auctioneer, at the office of Aldrich & Bishop,

and at the residence of Mr. Fairbanks, near the prem-

VALUABLE REAL ESTATE AT AUCTION. ON SATURDAY NEXT, June 2d, 1855, at 12 o'clock, will be sold at Public Auction, in H. Sea's Auction Room, the Premises now occupied by Messrs. R. Coady & Co., and H. Sea, on Kanhumanu st. Subject to the rights of Messrs. R. Coady

& Co., under a special contract. For abstract of Title, &c., reference is made to A B. Bates, Esq. Terms cash. M. C. MONSARRAT, Auct'r.

Cooking Stoves. REEN MOUNTAIN STATE STOVES, and Ready Baker Stoves, Nos. 1 and 2, with Fixtures, &c., for Wood or Coal. For sale by A. P. EVERETT. June 2, 1855. 4-tf

Sortment of NEW COOPER ale a well selected a sortment of NEW GOODS just received pe "Frances Palmer," consisting in part as follows:
Day Goods.—Bales of French lawns, bales of Scotch est styles, cases black alpa Gros de Rhine, cases mourning prints, cases dotted Swiss dresses, case figured table oil cloth, black crape, large sizes, silk pocket handkerchiefs, linen cambro pocket handkerchiefs, table covers, black feathers, black silk, and cotton gloves, satin and taff 'ta ribbons, plain

black drab d'Ete pants, mens' white duck pants, black cloth frock coats, lasting and merino coats, white lines duck coats, white and buff Marseilles vests, pilot jackets, extra fine white shirts, merino and cott shirts and drawers, etc.

Hars.—Latest style riding Hats, Panama hats, Leghorn hats, Kessuth hats, glazed hats. time, been incorporated into and new form a component part of that magnificent system of law, the combined wisdom and experience of many centuries, known by the generic name of the common law of England. We will merely refer to Smith's Mer. Law of England. We will merely refer to Smith's Mer. Law of England. We will

Also, A small lot of genuine Havana Cigare. Honolulu, May 24.—4-tf. merely refer to Smith's Mer. Law, p. 24, note, 1, Kent's